

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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Gary Lee Holman,

Civil No. 08-647 (RHK/JJK)

Petitioner,

**ORDER**

vs.

Ms. Cruz, Warden, F.P.C., Duluth, MN,

Respondent.

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Before the Court is Petitioner's "Motion to Object to Report and Recommendation" (Doc. No. 15). Magistrate Judge Jeffrey J. Keyes has recommended the denial of Petitioner's Application for a Writ of Habeas Corpus as well as his Motion for Relief Under Rule 55(d) Default Judgment.

The Court has reviewed de novo the subject Report and Recommendation, Petitioner's Objections thereto, and the written submissions of the parties. That review establishes that Judge Keyes' recommended disposition is fully supported by the record before him as well as controlling legal principles. Accordingly, and upon all the files, records and proceedings herein, **IT IS ORDERED:**

1. Petitioner's Objections (Doc. No. 15) are **OVERRULED**;
2. The Report and Recommendation (Doc. No. 10) is **ADOPTED**;
3. Petitioner's Application for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241 (Doc. No. 1) is **DENIED**;

4. Petitioner's Motion for Relief Under Rule 55(d) Default Judgment (Doc. No. 8) is **DENIED**; and
5. This action is **DISMISSED WITH PREJUDICE**.

Dated: December 15, 2008

s/Richard H. Kyle  
RICHARD H. KYLE  
United States District Judge